

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOHN P. SCHOWACHERT,

Plaintiff,

v.

POLLEY,

Defendant.

No. 1:22-cv-1249 JLT BAM (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THE ACTION AS DUPLICATIVE**

(Doc. 9)

The assigned magistrate judge screened the complaint and found the claims raised are duplicative of Plaintiff's claims in *Schowachert v. Polley*, Case No. 1:21-cv-01107-HBK. (Doc. 9.) The magistrate judge observed: "Both cases appear to arise out of the same events, involve the same parties, and seek the same relief. To the extent the cases differ, *Schowachert I* includes additional defendants and additional forms of relief, but otherwise encompasses the same claims, defendant, and relief sought in the instant action." (*Id.* at 4.) Therefore, the magistrate judge recommended the action be dismissed as duplicative. (*Id.*)

The court served the Findings and Recommendations on Plaintiff. It provided notice that any objections thereto were to be filed within 14 days of the date of service. (Doc. 9 at 5.) In addition, the Court advised that "failure to file objections within the specified time may result in the waiver of the 'right to challenge the magistrate's factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) To date, Plaintiff has not filed

1 objections and the time to do so expired.

2 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a *de novo* review. Having
3 carefully reviewed the entire matter, the Court concludes the Findings and Recommendations are
4 supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 5 1. The Findings and Recommendations issued on October 5, 2022 (Doc. 9), are
6 **ADOPTED** in full.
- 7 2. This action is **DISMISSED** without prejudice as duplicative.
- 8 3. The Clerk of the Court is directed to close this case.

9
10 IT IS SO ORDERED.

11 Dated: **November 7, 2022**


UNITED STATES DISTRICT JUDGE